

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 397 of 1987
with
APPEAL FROM ORDER No 398 of 1987
with
APPEAL FROM ORDER No 400 of 1987
with
APPEAL FROM ORDER No 401 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ARPAN TRADERS THROUGH CB DARJI

Versus

AHMEDABAD MUNI. CORPORATION

Appearance:

MR BN RAVAL for Appellants

MR SI NANAVATI for Respondent

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 19/09/97

COMMON ORAL JUDGEMENT

These appeals are directed against the common order dated August 24, 1997, passed by the City Civil Court, Ahmedabad, dismissing the Notice of Motion filed by the appellants in four different Civil Suits.

2. The appellants prayed for permanent and temporary injunction to restrain the respondent-Corporation from demolishing the suit properties. The Corporation had served notice for demolition of the suit properties on the ground that they were unauthorized structures. While admitting these appeals, this Court had granted ad-interim injunction in favour of the appellants and the said injunction has been continuing since 1987.

3. In view of the fact that the offending structures are not on any public land or any public street and in view of the fact that the interim injunction is operating in favour of the appellants since 1987, it will be just and proper to direct that the interim injunction granted by this Court earlier, shall continue till disposal of the respective suits and to direct the trial court to hear and decide the respective suits as expeditiously as possible and preferably by April 30, 1998 as the suits are pending since 1987.

4. It is clarified that the interim injunction is continued till disposal of the suits because it has been operating for the last ten years and, therefore, the trial court shall hear and decide the suits in accordance with law without being influenced by the fact that the interim injunction granted in favour of the appellants during the pendency of the appeals is continued till disposal of the suits.

5. Subject to the above clarifications and directions, the appeals are disposed of with direction that the interim injunction granted by this Court in favour of the appellants shall continue till disposal of the suits and the trial court shall hear and decide the same as expeditiously as possible.